



8 Workplace Rights Your Employer Might Not Tell You About

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Do you know what rights you have at work? You might assume that you can rely on your employer to [follow the law](#) in every circumstance, but in fact, many employers violate labor laws, often simply through ignorance. It pays to know what your rights are.

Here are eight of the most important workplace rights you might not realize you have.



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- 1. Your employer can't withhold your paycheck for poor performance.** No matter how poorly you perform, your employer can't dock your salary. Make an error that costs the business thousands of dollars? Break an important piece of equipment? These are costs of doing business for your employer, and it can't come out of your paycheck. Of course, if you really mess up, you [might get fired](#), but you still must be paid for all the hours you worked.
- 2. You must receive your paycheck promptly.** Most state laws dictate how soon you must receive your paycheck after a pay period ends. In some states, your employer may even be required to pay you additional money on top of your wages as a penalty if your paycheck is late.
- 3. Whether you're eligible for overtime pay isn't up to your employer; the government decides.** The federal government divides all types of jobs into one of two categories: exempt and non-exempt. If your job is categorized as non-exempt, your employer must pay you overtime (time and a half) for all hours you work above 40 in any given week. Your categorization is not up to [your employer](#); it's determined by government guidelines.
- 4. Your employer cannot ask, require, or even allow you to work off the clock.** If you're a non-exempt employee, you must be paid for all time worked. You can't waive this right. Moreover, your employer cannot give you comp time in lieu of overtime pay.
- 5. Your employer can't stop you from discussing your salary with your co-workers.** The National Labor Relations Act (NLRA) says that employers can't prevent employees from discussing wages among themselves. Many employers have policies against this anyway, but these policies violate the law.
- 6. Similarly, your employer can't stop you from discussing your working conditions with your co-workers.** Here again, NLRA [protects you](#). The reason for the law is that employees wouldn't be able to organize if they were forbidden from talking with each other about such important issues.
- 7. Promises made in your employee handbook are often binding.** Circumstances vary, but in many cases, courts have ruled that promises made in employee handbooks are legally binding. In particular, pay attention to whether your company writes that it "will" or "shall" take particular actions; those statements are more likely to be binding than statements that your employer "may" or "can" do something.
- 8. Your employer can't pay you as a contractor while treating you like an employee.** If your employer controls when, where, and how you work, the government says you're an employee—and your company needs to pay your payroll taxes and offer you the same benefits it offers to regular employees.

*Alison Green writes the popular [Ask a Manager](#) blog, where she dispenses advice on career, job search, and management issues. She's also the co-author of *Managing to Change the World: The Nonprofit Manager's Guide to Getting Results*, and former chief of staff of a successful nonprofit organization, where she oversaw day-to-day staff management, hiring, firing, and employee development.*

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